REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3-23 are pending in the above-identified application, 1, 3-11, and 15-16 having been amended, and Claim 2 has been canceled without prejudice or disclaimer by way of the present amendment. Claims 17-23 have been added to recite features similar to Claims 1 and 3-8, respectively, without using language which invokes 35 U.S.C. § 112, sixth paragraph. No new matter is added.

In the outstanding Office Action, Claims 1, 6, 9, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rodriguez et al. (U.S. Pat. Pub. No. 2007/0136748, hereinafter "Rodriguez 2007") in view of Rodriguez et al. (U.S. Pat. Pub. No. 2002/0049978, hereinafter "Rodriguez 2002"); Claims 2 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rodriguez 2007 and Rodriguez 2002 and further in view of Lin et al. (U.S. Pat. No. 7,099,561, hereinafter "Lin"); Claims 3-4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rodriguez 2007 and Rodriguez 2002 and further in view of De Vos et al. (U.S. Pat. No. 6,760,917, hereinafter "De Vos"); Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rodriguez 2007 and Rodriguez 2002 and further in view of De Vos and Schlarb et al. (U.S. Pat. No. 6,243,145, hereinafter "Schlarb"); Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rodriguez 2007 and Rodriguez 2002 and further in view of Schlarb; Claims 11-12 and 15-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rodriguez 2007 and Rodriguez 2002 and further in view of De Vos; Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rodriguez 2007 and De Vos and further in view of Schlarb; and Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rodriguez 2007 and De Vos and further in view of Lin.

Regarding the rejection of Claim 2 (which is now relevant to amended Claim 1) under 35 U.S.C. § 103(a) as being unpatentable over Rodriguez 2007 in view of Rodriguez 2002 and further in view of Lin, Applicants respectfully traverse the rejection. The outstanding Office Action concedes that Rodriguez 2007 and Rodriguez 2002 do not teach "new function transmitting means which, if there exists software for executing any new function, transmits information about said new function to said data processing apparatus," and "wherein said data processing apparatus further comprises new button function display controlling means for displaying a new second button representing said new function corresponding to the new function information," and relies on Lin to overcome this deficiency.

Fig. 10 of Lin shows activation buttons in a *pre-formed* menu. Fig. 10(a) shows the standard menu with no visible buttons and Figs. 10(b) and 10(c) show the progressive activation of a single button and six buttons, respectively. While this may support the addition of a program that is selectable by a user, this happens during pre-processing in Lin. That is, Lin may be used to create new menus, however, Lin does not teach or suggest "new button display controlling means for displaying a new second button representing said new function corresponding to the new function information," as recited in amended Claim 1.

Lin describes that a new menu button permitting user selection of the added program is added in the video program set menu 650. Lin further describes that associated navigation items are updated to include menu program chain information 655 and navigation command data 669. While it is true that in Lin, the number of menu video objects 657 may be updated to accommodate the new menu button if necessary, Lin does not teach or suggest "new function information transmitting means for transmitting information about said new function to said data processing apparatus when software exists for executing a new function," as recited in amended Claim 1. Furthermore, Lin does not teach or suggest "button display controlling means... for displaying a download button requesting to download software

executing a function represented by said one of second buttons when the one of said second buttons is selected," as recited in amended Claim 1. Moreover, Lin does not teach or suggest "downloading means for downloading said software provided by said data processing apparatus when said download button is selected," as recited in amended Claim 1.

Claim 1 has been amended to incorporate the features of Claim 2, as well as additional features. Support for the additional features is found in the specification at least on pages 14-18 and in Figs 11-13. Amended Claim 1 recites, in part, a communication system, including:

> a data processing apparatus configured to receive and process data; and
>
> a data providing apparatus configured to provide data to said data processing apparatus,
>
> wherein said data processing apparatus includes,
>
> button display controlling means for displaying first buttons representing executable functions in a first display format while displaying second buttons representing optional functions in a second display format, ***and for displaying a download button requesting to download software executing a function represented by the one of the second buttons when the one of said second buttons is selected***,
>
> downloading means for downloading said software provided by said data processing apparatus ***when said download button is selected***, in response to a download request for software implementing a function associated with one of said second buttons, and
>
> ***new button display controlling means for displaying a new second button representing a new function corresponding to new function information***, and
>
> wherein said data providing apparatus includes,
>
> ***new function information transmitting means for transmitting information about a new function to said data processing apparatus when software exists for executing the new function***.

As noted above, Lin does not teach "new button display controlling means for displaying a new second button representing said new function corresponding to the new function information," and "new function information transmitting means for transmitting information about said new function to said data processing apparatus when software exists for executing a new function." Therefore, Rodriguez 2007, Rodriguez 2002 and Lin do not teach or suggest, either separately or combined, "a data providing apparatus" and "a data

processing apparatus," as recited in amended Claim 1. Accordingly, amended Claim 1 (and the claims dependent therefrom) patentably defines over the applied art. Further, it is respectfully submitted that Claim 1 is also patentable over Rodriguez 2007, Rodriguez 2002 and Lin because of the other features added by way of the present amendment, and are absent in the applied references.

Independent apparatus Claim 6, independent method Claim 9, independent computer readable storage medium Claim 10, and independent apparatus Claim 11, find support in the original claims and in the specification at least on pages 14-18 and in Figs 11-13. These claims recite similar features as argued above for independent Claim 1. For substantially the same reasons as discussed with regard to Claim 1, it is respectfully submitted that independent Claims 6 and 9-11 (and the claims dependent therefrom) also patentably define over the applied art.

Further, regarding the rejection of Claim 15, amended Claim 15 recites, a data providing method for providing data to a data processing apparatus which receives and processes said data, said data providing method comprising:

> receiving a download request for said software from said data processing apparatus;
> transmitting said software to said data processing apparatus in response to said download request for said software;
> creating a download history regarding said software downloaded by said data processing apparatus;
> performing a relevant process in keeping with said download history; and
> ***transmitting information of a new function to said data processing apparatus when software exists for executing the new function.***

Support for Claim 15 is found in the original claims and in the specification at least on pages 14-18 and in Figs 11-13.

As noted above, Rodriguez 2007, Rodriguez 2002 and Lin do not teach or suggest "transmitting information of a new function to said data processing apparatus when software

exists for executing the new function," as recited in Claim 15, and De Vos does not cure this deficiency. Consequently, Rodriguez 2007, Rodriguez 2002, and De Vos do not teach or suggest all of the elements in Claim 15. Accordingly, it is respectfully submitted that Rodriguez 2007, and Rodriguez 2002, and De Vos do not teach or suggest, either individually or combined, the features of Claim 15. Therefore, Claim 15 is believed to patently define over Rodriguez 2007 and Rodriguez 2002 and further in view of De Vos.

Independent computer readable storage medium Claim 16 recites similar features as argued above for independent Claim 15. For substantially the same reasons as discussed with regard to Claim 15, it is respectfully submitted that independent Claim 16 also patentably defines over the applied art.

With regard to the rejection of Claims 3-4 as unpatentable over Rodriguez 2007 and Rodriguez 2002 and further in view of De Vos, it is noted that Claims 3-4 are dependent from Claim 1, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that De Vos does not cure any of the above-noted deficiencies of Rodriguez 2007 and Rodriguez 2002. Accordingly, it is respectfully submitted that Claims 3-4 are patentable over Rodriguez 2007 and Rodriguez 2002 in view of De Vos.

With regard to the rejection of Claim 5 as unpatentable over Rodriguez 2007 and Rodriguez 2002 and further in view of De Vos and Schlarb, it is noted that Claim 5 is dependent from Claim 1, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that De Vos and Schlarb do not cure any of the above-noted deficiencies of Rodriguez 2007 and Rodriguez 2002. Accordingly, it is respectfully submitted that Claim 5 is patentable over Rodriguez 2007 and Rodriguez 2002 in view of De Vos and Schlarb.

With regard to the rejection of Claim 7 as unpatentable over Rodriguez 2007 and Rodriguez 2002 and further in view of Lin, it is noted that Claim 7 is dependent from Claim 6, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Lin does not cure any of the above-noted deficiencies of Rodriguez 2007 and Rodriguez 2002. Accordingly, it is respectfully submitted that Claim 7 is patentable over Rodriguez 2007 and Rodriguez 2002 in view of Lin.

With regard to the rejection of Claim 8 as unpatentable over Rodriguez 2007 and Rodriguez 2002 and further in view of Schlarb, it is noted that Claim 8 is dependent from Claim 6, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Schlarb does not cure any of the above-noted deficiencies of Rodriguez 2007 and Rodriguez 2002. Accordingly, it is respectfully submitted that Claim 8 is patentable over Rodriguez 2007 and Rodriguez 2002 in view of Schlarb

With regard to the rejection of Claim 12 as unpatentable over Rodriguez 2007 and Rodriguez 2002 and further in view of De Vos, it is noted that Claim 12 is dependent from Claim 11, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that De Vos does not cure any of the above-noted deficiencies of Rodriguez 2007 and Rodriguez 2002. Accordingly, it is respectfully submitted that Claim 12 is patentable over Rodriguez 2007 and Rodriguez 2002 in view of De Vos

With regard to the rejection of Claim 13 as unpatentable over Rodriguez 2007 and De Vos and further in view of Schlarb, it is noted that Claim 13 is dependent from Claim 11, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Schlarb does not cure any of the above-noted deficiencies of

Rodriguez 2007 and De Vos. Accordingly, it is respectfully submitted that Claim 13 is patentable over Rodriguez 2007 and De Vos in view of Schlarb

With regard to the rejection of Claim 14 as unpatentable over Rodriguez 2007 and De Vos and further in view of Lin, it is noted that Claim 14 is dependent from Claim 11, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Lin does not cure any of the above-noted deficiencies of Rodriguez 2007 and De Vos. Accordingly, it is respectfully submitted that Claim 14 is patentable over Rodriguez 2007 and De Vos in view of Lin

New Claims 17-23 are added and are supported at least by Claims 1 and 3-8, respectively. New independent Claim 17 recites features similar to Claim 1, and new independent Claim 21 recites features similar to Claim 6, however, without using language which invokes 35 U.S.C. § 112, sixth paragraph. Accordingly, Claims 17 and 21 (and Claims 18-20 and 22-23 dependent therefrom, respectively) are submitted to patentably define over the applied references for the same reasons as Claims 1 and 6.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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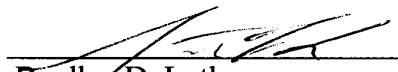

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